

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JUNE 26, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SDR-27298 - APPLICANT: PRIMACK FAMILY COMPANIES, LLC - OWNER: MICHAEL VILLAGE, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-27297) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan and building elevations date stamped 04/04/08, except as amended by conditions herein.
4. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
5. Provide an eight-foot high screen wall that adequately screens the pedestrian areas and parking lots from the single family residence located at 1950 North Michael Way that is in compliance with the Wall Standards as listed in Title 19.12.075.
6. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
7. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

SDR-27298 - Conditions Page Two
June 26, 2008 - Planning Commission Meeting

8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
10. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. Coordinate with the City Surveyor regarding an appropriate mapping method for this site; comply with the recommendations of the City Surveyor.
14. Dedicate an additional 10 feet of right-of-way, where such does not exist, for a total half-street width of 40 feet on Michael Way prior to the issuance of any permits or through a mapping action for this site.
15. Construct half-street improvements, including appropriate overpaving and transition paving, on Shadow Mountain Place and Michael Way adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
16. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

SDR-27298 - Conditions Page Three
June 26, 2008 - Planning Commission Meeting

17. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
18. Extend public sewer to the south edge of this site in Michael Way to a location and depth acceptable to the City Engineer concurrent with development of this site. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
19. Landscape and maintain all unimproved rights-of-way, if any, adjacent to this site. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
20. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located in the public right-of-ways adjacent to this site prior to occupancy of this site.
21. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.
22. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

SDR-27298 - Staff Report Page One
June 26, 2008 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed two-story, 20,000 square-foot Medical Office/Clinic/Retail development on 1.97 acres at the southwest corner of Lake Mead Boulevard and Michael Way.

In conjunction with this Site Development Plan Review request, the applicant has submitted a General Plan Amendment (GPA-27296) to Amend a portion of the Southwest Sector of the General Plan from L (Low Density Residential) to SC (Service Commercial) and Rezone (ZON-27297) from R-E (Residence Estates) Under Resolution of Intent to R-PD4 (Residential Planned Development – 4 Units Per Acre) to C-1 (Limited Commercial).

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/19/99	The City Council approved an update of the Southwest Sector Map (GPA-0023-99) of the city of Las Vegas General Plan. On this map, the subject properties were designated for R (Rural Residential) land uses, with a maximum density of 3.5 dwelling units per acre.
09/06/00	The City Council approved the Las Vegas 2020 Master Plan. This site is within the Neighborhood Revitalization Area as described in the Plan.
01/18/06	The City Council approved a General Plan Amendment (GPA-7323) to reclassify the property to an L (Low Density Residential) land use classification; an associated request for Rezoning (ZON-7470) to R-PD4 (Residential Planned Development - 4 Units Per Acre) from R-E (Residence Estates), a Variance (VAR-7535) to reduce the minimum area required for formation of an R-PD (Residential Planned Development), a Waiver (WVR-10086) to allow approximately 145 feet between street intersections where 220 feet is the minimum offset required, and a Site Development Plan Review (SDR-7473) for an 11-lot single-family residential development.
10/06/07	The Planning Commission approved the applicants request to Withdraw Without Prejudice a General Plan Amendment (GPA-24477) to Amend a portion of the Southwest Sector Plan from L (Low Density Residential) to SC (Service Commercial), a Rezoning (ZON-24478) from R-E (Residential Estates) under a Resolution of Intent to R-PD4 (Residential Planned Development – 4 Units per Acre) to C-1 (Limited Commercial) and a Site Development Plan Review (SDR-24479) for a 15,030 square foot General Retail Development and Restaurant with Drive-Through on 1.96 acres at the southwest corner of Lake Mead Boulevard and Michael Way.

SDR-27298 - Staff Report Page Two
June 26, 2008 - Planning Commission Meeting

04/24/08	Planning Commission approved an Abeyance request to Amend a portion of the Southwest Sector of the General Plan (GPA-27296) from L (Low Density Residential) to SC (Service Commercial), a Rezoning (ZON-27297) from R-E (Residence Estates) Under Resolution Of Intent To R-PD4 (Residential Planned Development - 4 Units Per Acre) to C-1 (Limited Commercial), and a Site Development Plan Review (SDR-27298) for a proposed two-story, 20,000 square-foot Medical Office/Clinic/Retail Development on 1.97 acres at the southwest corner of Lake Mead Boulevard and Michael Way to the 05/22/08 Planning Commission Meeting.
05/22/08	Planning Commission approved an Abeyance request to Amend a portion of the Southwest Sector of the General Plan (GPA-27296) from L (Low Density Residential) to SC (Service Commercial), a Rezoning (ZON-27297) from R-E (Residence Estates) Under Resolution of Intent to R-PD4 (Residential Planned Development - 4 Units Per Acre) to C-1 (Limited Commercial), and a Site Development Plan Review (SDR-27298) for a proposed two-story, 20,000 square-foot Medical Office/Clinic/Retail Development on 1.97 acres at the southwest corner of Lake Mead Boulevard and Michael Way to the 05/22/08 Planning Commission Meeting to the 06/26/08 Planning Commission Meeting.

Related Building Permits/Business Licenses

There are no Building Permits or Business Licenses associated with either parcel (APN 138-24-305-001 and 003) of the subject site.

Pre-Application Meeting

02/29/08	A pre-application meeting was held with staff to discuss the process of submitting a request to construct a medical office complex on two undeveloped parcels. Staff then discussed the submittal requirements for a General Plan, Rezoning and Site Development Plan.
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Neighborhood Meeting

03/25/08	<p>A neighborhood meeting was held on Tuesday, March 25, 2008 at 5:30 p.m. in the Multi-Purpose Room at the Paul Culley Elementary School located at 1200 Mallard Avenue, Las Vegas, Nevada 89108. Two applicants, one city staff and 18 members of the public were in attendance. Concerns expressed were the following:</p> <ul style="list-style-type: none"> • Traffic on Michael Way • Hours of operation • Leave it residential <p>No one present was in favor of project.</p>
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SDR-27298 - Staff Report Page Three
June 26, 2008 - Planning Commission Meeting

Field Check	
03/24/08	<p>The following observations were made by Planning and Development Staff during a routine field check:</p> <ul style="list-style-type: none"> • Undeveloped property with existing eight-foot wall on the west and portion of the south perimeter. No wall adjacent to Single Family Residence located at 1950 North Michael Way. • Large-lot residential properties with horses adjacent to the south. • Church located to the west of the property on R-E (Residence Estates) zoned property. <p>The area is primarily residential in character.</p>

Details of Application Request	
Site Area	
Net Acres	1.97 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	L (Low Density Residential)	R-E (Residential Estates) under a Resolution of Intent to R-PD4 (Residential Planned Development – 4 Units per Acre)*
North	Single-Family Residential	L (Low Density Residential)	R-1 (Single-Family Residential)
South	Single-Family Residential	R [(Rural Density Residential) Clark County]	R-E [(Residential Estates) Clark County]
East	Single-Family Residential	L (Low Density Residential)	R-1 (Single-Family Residential)
West	Church	R (Rural Density Residential)	U (Undeveloped)

*The applicant has requested a Rezoning (ZON-27297)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	NA
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	NA
Trails	X		Y*
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

SDR-27298 - Staff Report Page Four
June 26, 2008 - Planning Commission Meeting

A Pedestrian Path is required along Lake Mead Boulevard, per the Master Plan Transportation Trails Element. This particular path is to consist of a five-foot sidewalk next to curb with a minimum five-foot landscape island behind it. The applicant has provided adequate demonstration of compliance on the provided landscape plan and will be required to develop the path as a condition of approval for this development.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 feet	375 feet	Y
Min. Setbacks			
• Front	20 feet	20 feet	Y
• Side	10 feet	122 feet	Y
• Corner	15 feet	15 feet	Y
• Rear	20 feet	25 feet	Y
Min. Distance Between Buildings	10 feet	>10 feet	Y
Max. Building Height	NA	34 feet	NA
Trash Enclosure	Enclosed and Covered	Enclosed and Covered	Y
Mech. Equipment	Screened from public view	Screened from public view	Y

Pursuant to Title 19.08.060, the following standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	102 Feet	122 Feet	Y
Adjacent development matching setback	10 Feet	187 Feet	Y
Trash Enclosure	50 Feet from residentially zoned property	52 Feet	Y

Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/ 6 Spaces	18 Trees	23 Trees	Y
Buffer:				
Min. Trees	1 Tree/ 20 Linear Feet	63 Trees	85 Trees	Y
TOTAL		81 Trees	108 Trees	Y

SDR-27298 - Staff Report Page Five
June 26, 2008 - Planning Commission Meeting

Min. Zone Width			
Interior	8 Feet	10 Feet	Y
Along ROW	15 Feet	15 Feet	Y
Wall Height	8 Feet	Not shown	N*

A Condition of Approval has been added to this request to install an eight-foot high screen wall along a portion of the southern perimeter where Title 19.12.075.B.1 requires a minimum 6-foot high screen wall (revised 3/21/07 under Ordinance 5895).

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Medical Office	2,000 SF	1:200	10				
	18,000 SF	1:175	103				
SubTotal	20,000 SF		113	5	113	5	Y
TOTAL (including handicap)			113 spaces		113 spaces		Y
Loading Spaces			2		2		Y

ANALYSIS

- Land Use and Zoning**

The subject properties are located within the Southwest Sector of the General Plan. A proposed General Plan Amendment (GPA-27296), if approved, would allow a SC (Service Commercial) land use designation. The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow mixed-use development with a residential component where appropriate.

SDR-27298 - Staff Report Page Six
June 26, 2008 - Planning Commission Meeting

There is a Rezoning (ZON-27297) to change the site's zoning from R-E (Residence Estate) Under Resolution of Intent to R-PD4 (Residential Planned Development – 4 Units Per Acre) to C-1 (Limited Commercial). The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 Limited Commercial District is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

With approval of the proposed General Plan Amendment (GPA-27296) to the SC (Service Commercial) land use designation and Rezoning (ZON-27297) to the C-1 (Limited Commercial) zoning district, the proposed Medical Office, Clinic and Retail uses associated with this development are permissible uses. However, as the proposal in total constitutes a request for the commercial rezoning of two parcels of land, which has been determined to be incompatible with surrounding residential land use, staff must recommend denial of this request for a Site Development Plan Review.

- **Site Plan**

The site is located on the southwest corner of Lake Mead Boulevard and Michael Way. The site plan illustrates a 13,000 square-foot and 7,000 square-foot building located along the street frontage of Lake Mead Boulevard and Michael Way. Access from the site is provided from a 36-foot wide driveway aisle off Lake Mead Boulevard and a 38-foot wide driveway aisle off of Michael Way.

Parking is located around each building and to the south of the site. The main access to the buildings is from the parking lot. Per Title 19.10 Parking, Loading and Traffic Standards, the 20,000 square-foot Medical Office/Clinic/Retail Development requires 113 parking spaces, which five are required to be handicap accessible. The applicant has provided 113 parking spaces, which ten are compact spaces and five are handicap accessible. The applicant meets Title 19.10 Parking, Loading and Traffic Standards.

- **Landscape Plan**

The landscape plan shows thirty-seven 24-inch box Chilean Mesquite Trees planted 30 feet on center along the north, east, and west perimeter of the site. On the south portion of the site, which is adjacent to single-family residential, the landscape plan illustrates forty-eight 24-inch box Mondel Pines.

No perimeter wall separating the subject site with the adjacent residential property to the south is shown, which Title 19.12.075.B.1 requires a minimum 6-foot high screen wall (revised 3/21/07 under Ordinance 5895). Staff has placed a condition of approval that an eight-foot screen wall between the parking lot and the single family dwelling located at 1950 North Michael Way be provided.

SDR-27298 - Staff Report Page Seven
June 26, 2008 - Planning Commission Meeting

- **Elevations**

The provided elevations for “Building A” depict a two-story building 34 feet in height with a mansard style roof. The elevations show the use of light and dark brown colored stucco as the primary façade material with granite stone tile at the entrance and concrete tile roofs. “Building B” is a one-story building 24 feet in height with the same style and materials utilized. The mechanical equipment is specified and screened from public view.

Pursuant to Title 19.08.060 Residential Adjacency Standards, a 34-foot tall building adjacent to residential “protected” property requires a setback of 102 feet. The building is set back 112 feet from residential property. Therefore, the proposal does meet the required setback for a 34-foot tall building per Title 19.08.060.

- **Floor Plan**

The provided floor plan depicts two separate buildings. The largest building is a 13,000 square-foot Medical Office (“Building A”) with a smaller 7,000 square-foot Clinic/Retail (“Building B”). The applicant has provided shells of the buildings with no detail of specific use.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed development has been determined incompatible with the adjacent single-family residential development and the single-family development located across Lake Mead Boulevard to the north and across Michael Way to the east. Staff has determined that this request and the related General Plan Amendment and Rezoning constitute spot zoning as defined in Title 19.20. As there is no established commercial land use adjacent to the subject site and the applicant has not provided a desirable transition between this proposal and the surrounding residentially zoned property on all sides, staff must recommend denial of this request.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

SDR-27298 - Staff Report Page Eight
June 26, 2008 - Planning Commission Meeting

This proposal is generally compliant with the Development Standards as listed in Title 19.08 and 19.12. However, as the requested General Plan Amendment and Rezoning to the SC (Service Commercial) land use category and “C-1” (Limited Commercial) zoning district would constitute spot zoning. Staff recommends denial of this request as the commercial land use is not compatible with the surrounding Low and Rural Density Residential Land Use designation.

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

Site access is adequately provided primarily by Lake Mead Boulevard, classified as a 100-foot wide Primary Arterial by the Master Plan Streets and Highways, through a centrally located driveway at the side of the property. Secondary access is also provided off of Michael Way, an 80-foot wide Secondary Collector Street, which primarily serves the neighborhood residents.

4. Building and landscape materials are appropriate for the area and for the City;

The building and landscape materials are appropriate for the area and are typical of a speculative retail development.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The applicant has provided an aesthetically pleasing building that adequately meets the Residential Adjacency standards. Although the proposal does provide an aesthetically pleasing environment, staff finds that the commercial layout is neither harmonious nor compatible with the adjacent residentially-zoned properties.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed plan will not impact public health, safety or welfare since the development will be subject to the International Building Code and City inspections during construction.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

10

ASSEMBLY DISTRICT 6

**SDR-27298 - Staff Report Page Nine
June 26, 2008 - Planning Commission Meeting**

<u>SENATE DISTRICT</u>	4
<u>NOTICES MAILED</u>	322
<u>APPROVALS</u>	3
<u>PROTESTS</u>	86